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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/762,658 | 01/22/2004 | Dean Z. Tsang | TSA-001XX | 5151 |
| 207 7590 05/06/2008 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109 | | | | |
| EXAMINER | | | | |
| PHAM, LONG | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2814 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/06/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Status of Amendment after final

The amendment after final dated 04/14/08 has been entered.

Status of pending claims

See the final rejection dated 07/13/08.

Response to Arguments

Applicant's arguments filed 04/14/08 have been fully considered but they are not persuasive. See below.

In response the applicant's arguments on page 6 of the amendment after final dated 04/14/08, it is submitted that there is no clear direct evidence that the range of thickness of the channel of the gate would not operate in the device of Misewich et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on Mon-Frid, 10am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2814

/Long Pham/

Primary Examiner, Art Unit 2814

/L. P./

Primary Examiner, Art Unit 2814